

K.C.C. 21A.22
Development Standards – Mineral Extraction

1 SECTION 22. Ordinance 10870, Section 439, as amended, and K.C.C.
2 21A.22.010 are each hereby amended to read as follows:

3 **Purpose.** The purpose of this chapter is to establish standards ~~((which))~~ that
4 minimize the impacts of ~~((extractive))~~ mineral extraction and materials processing
5 operations upon surrounding parties by:

6 A. Ensuring adequate review of operating aspects of ~~((extractive))~~ mineral
7 extraction and materials processing sites;

8 B. Requiring project phasing on large sites to minimize environmental impacts;

9 C. Requiring minimum site areas large enough to provide setbacks and
10 mitigations necessary to protect environmental quality; and

11 D. Requiring period review of ~~((extractive and processing))~~ mineral extraction
12 and materials processing operations to ensure compliance with the ~~((most current))~~
13 approved operating standards.

14 SECTION 23. Ordinance 10870, Section 440 and K.C.C. 21A.22.020 are each
15 hereby amended to read as follows:

16 **Exemptions.** ~~((The provisions of))~~ This chapter shall ~~((not))~~ only apply to uses
17 or activities ~~((specifically exempted in K.C.C. 16.82.050))~~ that are mineral extraction or
18 materials processing operations.

19 SECTION 24. Ordinance 10870, Section 441 and K.C.C. 21A.22.030 are each
20 hereby amended to read as follows:

21 **Grading permits required.** Extractive operations and materials processing
22 operations shall commence only after issuance of a grading permit.

23 NEW SECTION. SECTION 25. There is hereby added to K.C.C. 21A.22 a new
24 section to read as follows:

25 **Preapplication community meetings.** A. Prior to submitting an application for
26 a new mineral extraction or materials processing site or processing operation, or an
27 application for an expansion of an existing mineral extraction operation or materials
28 processing site beyond the scope of the prior environmental review, the applicant shall
29 convene a community meeting.

30 B. At least two weeks before the meeting, the applicant shall:

31 1. Publish a notice of meeting in a local newspaper of general circulation in the
32 affected area;

33 2. Mail the notice of the meeting to the department and to the unincorporated
34 area council serving the area where the site is located; and

35 3. Mail the notice of meeting to all property owners within one-quarter mile of
36 the proposed or expanded site, or at least twenty of the nearest property owners to the
37 site, whichever is greater, and to all property owners within five hundred feet of any
38 proposed haul routes from the site to the nearest arterial. The mailed notice shall at a
39 minimum contain a brief description and purpose of the project, vicinity map, including
40 address and parcel number, photo or sketch of proposed facility, an estimate of the size
41 and scope of the operation, proposed haul routes, a contact name and telephone number
42 to obtain additional information and other information deemed necessary by King
43 County. Because the purpose of the community meeting is to promote early discussion,
44 the applicant should note any changes to the conceptual information presented in the
45 mailed notice when the application is submitted to the department.

B. At the community meeting at which there must be at least one department employee in attendance, the applicant shall provide information relative to existing residences and lot patterns within one-quarter mile of potential sites, and shall discuss reasons why alternative haul routes are unfeasible. Furthermore, any alternative routes identified by community members and provided to the applicant in writing at least five days in advance of the meeting shall be preliminarily evaluated by the applicant and discussed at the meeting. A listing of the routes, identified in writing and provided to the applicant at or before the community meetings, shall be submitted to the department with the proposed application. Applicants shall also provide a list of meeting attendees and those receiving mailed notice, a record of the published meeting notice and documentation of the meeting at the time of application submittal.

SECTION 26. Ordinance 10870, Section 442 and K.C.C. 21A.22.040 are each hereby amended to read as follows:

Nonconforming ~~((extractive))~~ mineral extraction operations. To the ~~((extent determined feasible by the county))~~ maximum extent practicable, nonconforming ~~((extractive))~~ mineral extraction operations shall be brought into conformance with the operating conditions and performance standards of ~~((K.C.C. 21A.22.070))~~ this chapter during permit renewal. The schedule for conformance shall be developed during the first periodic review of the nonconforming mineral extraction operation and incorporated into the permit conditions.

SECTION 27. Ordinance 10870, Section 443 and K.C.C. 21A.22.050 are each hereby amended to read as follows:

Periodic review. ~~((Unless a more frequent review is required by the county,~~
~~periodic review of extractive and processing operations shall be provided as follows:))~~

A. ~~((A))~~ In addition to the review conducted as part of the annual renewal of a
mineral extraction operating permit or materials processing permit, all ~~((extractive))~~
mineral extraction operations and materials processing operations shall be subject to a
review of ~~((development))~~ site design and operating standards at five-year intervals~~((;))~~.

B. The periodic review ~~((shall be:~~
~~1. Conducted by the director or zoning adjustor pursuant to the review process~~
~~outlined in K.C.C. 21A.42.040-090;))~~ is a Type 2 land use decision.

~~((2. Used to))~~ C. The periodic review shall determine ~~((that))~~:

1. Whether the site is operating consistent with all existing permit conditions;
and

2. That the most current site design and operating standards ~~((and to establish~~
~~other))~~ are applied to the site through additional or revised permit conditions ~~((as))~~
necessary to mitigate identifiable environmental impacts.

SECTION 28. Ordinance 10870, Section 444, as amended, and K.C.C.
21A.22.060 are each hereby amended to read as follows:

Site design standards. Except as otherwise provided for nonconforming
~~((extractive))~~ mineral extraction operations in K.C.C. 21A.22.040, in addition to
requirements in this title, all ~~((extractive and processing))~~ mineral extraction and
materials processing operations shall ~~((at minimum))~~ comply with the following
standards:

90 A. The minimum site area of ~~((an extractive))~~ a mineral extraction or materials
91 processing operation shall be ~~((40))~~ ten acres.

92 B. ~~((Extractive))~~ Mineral extraction or materials processing operations on sites
93 larger than ~~((20))~~ twenty acres shall occur in phases to minimize environmental impacts.
94 The size of each phase shall be determined during the review process~~((;))~~.

95 C. ~~((F))~~ If the department determines they are necessary to eliminate a safety
96 hazard, fences, or alternatives to fences approved by the department, shall be:

97 1. Provided in a manner ~~((which))~~ that discourages access to ~~((safety hazards~~
98 ~~which may arise on))~~ areas of the site where:

99 a. ~~((a))~~ Active extracting, processing, stockpiling and loading of materials is
100 occurring;

101 b. Boundaries are in common with residential or commercial zoned property or
102 public lands; or

103 c. ~~((a))~~ Any unstable slope or any slope exceeding a grade of ~~((40))~~ forty
104 percent is present; ~~((or~~

105 ~~any settling pond or other stormwater facility is present;))~~

106 2. At least six feet in height above the grade measured at a point five feet ~~((from~~
107 ~~the))~~ outside ~~((of))~~ the fence and the fence material shall have no opening larger than two
108 inches;

109 3. Installed with lockable gates at all openings or entrances;

110 4. No more than four inches from the ground to fence bottom; and

111 5. Maintained in good repair~~((;))~~.

D. Warning and trespass signs advising of the ~~((extractive))~~ mineral extraction or materials processing operation shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than ~~((200))~~ two hundred feet along any unfenced portion of the site where the items noted in subsection C.1.a~~((--))~~through c₂ are present~~((;))~~₂.

E. Structural setbacks from property lines shall be as follows:

1. Buildings, ~~((or))~~ structures and stockpiles used in the processing of materials shall be no closer than:

a. ~~((0))~~ one hundred feet from any ~~((UR or R))~~ residential zoned properties except that the setback may be reduced to ~~((50))~~ fifty feet when the grade where such building or structures are proposed is ~~((50))~~ fifty feet or greater below the grade of ~~((said UR or R))~~ the residential zoned property~~((, or))~~₂;

b. ~~((Twenty))~~ fifty feet from any other zoned property, except when adjacent to another ~~((extractive))~~ mineral extraction or materials processing site or an M or F zoned property~~((, or))~~₂; and

c. ~~((Twenty))~~ the greater of fifty feet from the edge of any public street~~((--))~~ or the setback from residential zoned property on the far side of the street; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than ~~((20))~~ fifty feet from any property line except when adjacent to another ~~((extractive))~~ mineral extraction or materials processing site~~((;))~~ or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line.

134 F. ~~((No))~~ On-site clearing, grading or excavation, excluding that necessary for
135 required access, roadway or storm drainage facility construction or activities pursuant to
136 an approved reclamation plan, shall not be permitted within ~~((20))~~ fifty feet of any
137 property line except along any portion of the perimeter adjacent to another ~~((extractive))~~
138 mineral extraction or materials processing operation ~~((provided that such activities may~~
139 ~~be pursuant to an approved reclamation plan;))~~ or M or F zoned property. If native
140 vegetation is restored, temporary disturbance resulting from construction of noise
141 attenuation features located closer than fifty feet shall be permitted.

142 G. Landscaping ~~((as required pursuant to))~~ consistent with type 1 screening
143 K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall
144 be provided along any portion of the site perimeter where disturbances such as site
145 clearing and grading, or mineral extraction or materials processing is performed, except
146 where adjacent to another ~~((extractive))~~ mineral extraction, materials processing or
147 forestry operation~~((; and))~~ or M or F zoned property.

148 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
149 shall be applied.

150 I. Lighting shall:

151 1. Be limited to that required for security, lighting of structures and equipment,
152 and vehicle operation; and

153 2. Not ~~((direct))~~ directly glare onto surrounding properties.

154 SECTION 29. Ordinance 10870, Section 445, as amended, and K.C.C.
155 21A.22.070 are each hereby amended to read as follows:

Operating conditions and performance standards. ~~((All-))~~Operating
conditions and performance standards shall be as specified in K.C.C. 16.82 except:

A. Noise levels produced by ~~((an-extractive))~~ a mineral extraction or materials processing operation shall not exceed levels specified by ~~((the King County Noise Ordinance))~~ K.C.C. chapters 12.86 through 12.100.

B. Blasting shall be conducted under an approved blasting plan:

1. Consistent with the methods specified in the ~~((Θ))~~office of ~~((S))~~surface ~~((M))~~mining, 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including but not limited to adherence to the following:

a. Airblast levels shall not exceed one hundred thirty-three dBL measured by a two Hz or lower flat response system at the nearest residential property or place of public assembly;

b. Flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that~~((:~~

a-)) features regular or predictable times, except in the case of an emergency~~((;~~

and

~~b. is provided to residents within one-half mile of the site;)).~~ If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect.

C.1. Dust and smoke produced by ((extractive)) mineral extraction and materials processing operations shall ((not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall)) be controlled by ((watering of the site and equipment or other methods specified by the county;)) best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke from process facilities shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke from process facilities shall not significantly increase the existing levels of suspended particulates at the perimeter of the site.

D. The applicant shall ((provide for measures to)) prevent ((transport of)) rocks, dirt, ((and)) mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation((;)).

E. The applicant shall provide ((F))traffic control measures such as ((flagmen)) flaggers or warning signs as determined by the ((county shall be provided by the applicant)) department during all hours of operation((; and)).

200 F. ~~((The applicant shall be responsible for cleaning of debris or repairing of~~
201 ~~damage to roadways caused by the operation.))~~ The operator shall control surface water
202 and site discharges to comply with K.C.C. chapter 9.04 and the surface water design
203 manual and shall maintain a valid National Pollutant Discharge Elimination System
204 permit. Copies of the erosion and sediment control plan and the National Pollution
205 Discharge Elimination System permit shall be kept onsite and available for department
206 review and shall be made available for public inspection upon request. Copies of the
207 National Pollution Discharge Elimination System monitoring results shall be provided to
208 the department on permit monitoring data submittal dates and the department shall make
209 the results available for public inspection. If it determines that National Pollution
210 Discharge Elimination System monitoring frequency or type is not adequate to meet the
211 demands of the site and the requirements of this subsection, the department may require
212 more frequent and detailed monitoring and require a program designed to bring the site
213 into compliance;

214 G. The operator shall not excavate below the contours determined through
215 hydrologic studies necessary to protect groundwater and perched aquifers;

216 H. If contamination of surface or ground water by herbicides is possible, to the
217 maximum extent practicable, mechanical means shall be used to control noxious weeds
218 on the site;

219 I. Upon depletion of mineral resources or abandonment of the site, the operator
220 shall remove all structures, equipment and appurtenances accessory to operations; and

221 J. If the operator fail to comply with any provision of this section, the department
222 shall require modifications to operations, procedures or equipment until compliance is

demonstrated to the satisfaction of the department. If the modifications are inconsistent with the approved permit conditions, the department shall revise the permit accordingly.

SECTION 30. K.C.C.16.82.110 is hereby recodified as a new section in K.C.C. chapter 21A.22.

SECTION 31. Ordinance 1488, Section 12, as amended and K.C.C. 16.82.110 are each hereby amended to read as follows:

~~((Land restoration))~~ Reclamation. A. A valid clearing and grading permit shall be maintained on a mineral extraction site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.24, upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following:

~~((A))~~1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings,

structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director~~((--This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.))~~;

~~((B))~~ 2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable the underlying or potential zone classification~~((--))~~;

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

~~((C))~~ 3. ~~((G))~~ All areas subject to grading or backfilling shall ~~((be made with))~~;

a. incorporate only nonnoxious, nonflammable, noncombustible and nonputrescible solids~~((--))~~;

~~((D))~~ b. ~~((Such graded or backfilled areas,))~~ except for roads and areas incorporated into drainage facilities, ~~((shall))~~ be ~~((sodded or))~~ surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of ~~((at least four inches or a depth of that of))~~ the topsoil of land area immediately surrounding ~~((if less than four))~~ six inches, whichever is greater. The topsoil layer shall have an organic matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or

matching the pH of the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be tilled or scarified prior to topsoil placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile and plan view and blend with adjacent topography to a reasonable extent;

5. Where excavation has penetrated the seasonal or permanent water table creating a water body or wetland:

a. All side slopes below the permanent water table and banks shall be graded or shaped as to not constitute a safety hazard;

b. Natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. Appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

~~((E))~~6. ((Such)) All cleared, graded or backfilled areas, including areas surfaced with topsoil ((as required by subdivision D)), shall be planted with a variety of trees, shrubs, legumes ((or)) and grasses((, and said flora shall be so selected as to be)) indigenous to the surrounding area((-)) and appropriate for the soil, moisture and exposure conditions;

~~((F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of natural resources and parks shall be constructed or installed if natural drainage is not possible.))~~

~~((G))~~7. Waste or soil piles shall be ((leveled and the area treated as to sodding or surfacing)) used for grading, backfilling or surfacing if permissible under this section,

then covered with topsoil and ~~((planting as required in))~~ planted in accordance with subsections ~~((D))~~C.3 and ~~((E))~~ 6. of this section. Waste piles not acceptable to be used for fill in accordance with this chapter or as top soil in accordance with subsection C.3 of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

H. The department may modify any requirement of this subsection when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 32. Ordinance 10870, Section 446, as amended, and K.C.C.21A.22.080 are each hereby repealed.

NEW SECTION. SECTION 33. There is hereby added to K.C.C. 21A.22 a new section to read as follows:

Mitigation and monitoring. Unless otherwise provided, the applicant shall mitigate adverse impacts resulting from the extraction or processing operations and monitor to demonstrate compliance with the requirements of this chapter.

SECTION 34. Ordinance 10870, Section 447, as amended, and K.C.C. 21A.22.090 are each hereby amended to read as follows:

Financial guarantees. Financial guarantees shall be required consistent with ~~((the provisions of))~~ K.C.C. Title 27A.